
OLR Bill Analysis

sHB 6303 (as amended by House "A")*

AN ACT CONCERNING THE TREATMENT OF ILL AND INJURED ANIMALS IN MUNICIPAL ANIMAL SHELTERS.

SUMMARY:

This bill authorizes any regional or municipal dog pound to contract with a public or private nonprofit animal rescue organization for the organization to pay a licensed veterinarian to treat an injured, sick, or diseased animal that is impounded. The bill (1) details what a contract must contain and (2) requires each pound to maintain a list of any nonprofit animal rescue organization that notifies it concerning interest in entering into such a contract. The bill specifies that its contract and the treatment provisions do not affect any protection that state law, regulation, or municipal ordinance provide.

By law, a municipality may use a dog pound to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public. State regulations require a dog pound to have a licensed veterinarian examine any impounded dog that appears sick or injured (Conn. Agencies Reg. § 22-336-28).

Under the bill, if any person observes or reasonably believes that a municipal or regional animal control officer (ACO) failed to provide any animal under the ACO's custody with proper care, including veterinary care, the person may file a complaint with the Department of Agriculture's State Animal Control Division. The bill requires the division, no later than 24 hours after receiving a complaint, to take action as it deems necessary to secure proper care for the animal. However, if the division receives the complaint on a Saturday or Sunday, it must take action on the next business day.

The bill waives civil liability for actions a municipal pound, municipality, ACO, public or private nonprofit animal rescue

organization, or veterinarian take under the bill's contract provisions. But, liability is not waived if any of these entities acts in a wanton, reckless, or similar manner.

The bill also expands and changes how ACOs advertise impoundment of certain animals.

*House Amendment "A" (1) adds provisions (a) requiring pounds to maintain a list of nonprofit organizations, (b) specifying that the bill does not affect existing legal protections, and (c) concerning a person reporting an ACO to the state Animal Control Division and (2) makes changes to civil liability and web posting provisions.

EFFECTIVE DATE: October 1, 2011

CONTRACT

Under the bill, the contract must establish that:

1. the municipality will not become responsible for treatment costs incurred under it;
2. the public or private nonprofit animal rescue organization responsible for payment selects the licensed veterinarian who treats an animal;
3. a regional or municipal ACO who has custody of the animal determines whether it is injured, sick, or diseased and needs veterinary treatment, but if any pound employer or volunteer notifies the ACO that an animal is injured, sick, or diseased and needs treatment, the ACO must contact the organization to arrange treatment; and
4. the nonprofit animal rescue organization must, within 24 hours of a facility's request for treatment, select a licensed veterinarian and take custody or control of an animal, if necessary, to have the veterinarian treat the animal immediately.

LIABILITY

Under the bill, a regional or municipal dog pound, municipality,

municipal or regional ACO, or public or private nonprofit animal rescue organization is not civilly liable for actions taken to have a licensed veterinarian treat an injured, sick, or diseased animal under a contract the bill authorizes. The bill does not provide this protection if these entities act in a wanton, reckless, or malicious manner.

The bill bars civil liability for treatment that a licensed veterinarian provides free or at a reduced fee to an injured, sick, or diseased animal as a result of such a contract. However, civil liability remains if the veterinarian performs these actions in a willful, wanton, or reckless manner.

ADVERTISING IMPOUNDED ANIMALS

Under existing law, an ACO must post a description of an impounded animal whose owner is unknown in a local newspaper. The bill (1) also allows publication in a newspaper that has a statewide circulation and (2) requires posting on a national pet adoption website or website that the ACO maintains or accesses that is accessible to the public (a) a photograph or description of the animal and (b) the date on which it is no longer legally required to be impounded.

The bill does not require website posting if:

1. the animal is held pending the resolution of civil or criminal litigation that involves it;
2. the ACO has a good-faith belief that the animal would be adopted by or transferred to a public or private nonprofit rescue organization for placement in an adoptive home, even without the posting;
3. the animal's safety will be placed at risk; or
4. the ACO determines that the animal is feral and not adoptable.

Under the bill, if an ACO does not have the technological resources to post the information on the web, the officer may contact a public or private animal rescue organization and ask it to post the information

on a publicly accessible website at the organization's expense. To the extent practicable, an ACO's or organization's posting must remain up for the duration of an animal's impoundment in the municipal or regional dog pound.

BACKGROUND

Pounds

Each municipality, other than those participating in a regional dog pound, must:

1. provide and maintain a suitable building as a pound, which must be comfortable for the detention and care of dogs and kept in a sanitary condition or
2. provide, through written agreement, for the detention and care of impounded dogs by a licensed veterinarian, veterinary hospital, or commercial kennel; dog pound maintained by another city; or other suitable facility approved by the agriculture commissioner.

Any municipality may use the pound or facility to shelter other animals that are injured, mistreated, or roaming in a manner that endangers the animal or the public (CGS § 22-336).

Legislative History

On April 6, the House referred the bill (File 243) to the Environment Committee, which favorably reported a substitute (File 582) that added the contract provision in place of a requirement for ACOs to arrange treatment for an impounded animal that is ill or injured and a system for nonprofit organizations to arrange treatment when a dog pound could not afford it.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 1 (03/07/2011)

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 0 (04/08/2011)

Judiciary Committee

Joint Favorable

Yea 35 Nay 0 (05/09/2011)